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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/941,901	08/28/2001	Howard W. Lutnick	CF/031	7586
1473	7590	08/12/2005	EXAMINER	
FISH & NEAVE IP GROUP ROPES & GRAY LLP 1251 AVENUE OF THE AMERICAS FL C3 NEW YORK, NY 10020-1105			MCCLELLAN, JAMES S	
			ART UNIT	PAPER NUMBER
			3627	

DATE MAILED: 08/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/941,901

**Applicant(s)**

LUTNICK ET AL.

**Examiner**

James S. McClellan

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 January 2005.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-20 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Amendment*

1. Applicant's submittal of an amendment was entered on 1/27/05, wherein:  
claims 1-20 are pending and  
claims 1, 15, and 16 have been amended.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-9, 11, 13, and 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,992,940 (hereinafter "Dworkin") in view of the Examiner's assertion of Official Notice.

Regarding **claim 1**, Dworkin discloses a method for interactively assisting purchase-decision-making, comprising: receiving data relating to purchasing options (see column 5, lines 35-42), the options including shopping for goods and services (see column 5, line 1); querying based on the data (via database 3); receiving a response to the querying (see column 6, lines 16-25; Figure 6); and guiding purchase decision-making based on the data and the response until a final purchase selection is indicated (by displaying responses relevant to request; see Figure 6); **[claim 3]** generating at least one selectable list of purchase categories and receiving at least one

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selection of a purchase category (see column 4, lines 67-68); **[claim 4]** generating a plurality of selectable lists or purchase categories (see Figure 4); **[claim 5]** transmitting the user data to a seller or provider of service (see column 4, lines 19-20); **[claim 6]** receiving seller or service provider data based on the transmitting (see column 4, lines 19-20); **[claim 7]** receiving seller or provider of service data (see column 10, lines 50-53); **[claim 8]** analyzing data from a seller or a provider of service in order to make a purchase recommendation (see Figure 6); **[claim 9]** relaying data to a seller or provider or service, in order to finalize a purchase transaction (see column 4, lines 19-24); **[claim 11]** enabling a plurality of purchase transactions to be made (it is inherent that more than one purchase is enabled); and **[claim 13]** calculating a total purchase cost associated with a purchasing selection (calculation of total cost is inherent during transaction payment).

Dworkin fails to explicitly disclose receiving data related purchasing options, wherein the options including investing [as required by claims 1 and 2] and traveling [as required by claim 3]. Dworkin's invention is related to receiving data related to purchasing option, wherein the options include any good or service.

The Examiner takes Official Notice that it was old and well known at the time the invention was made to receive investing and traveling purchase options.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Dworkin with purchasing options specific to investing and traveling, because investing and traveling purchasing are more efficiently conducted using a computer system.

Regarding **claims 15, 16, and 17**, the Examiner relies on the same analysis as set forth above for similar method claim 1.

**U.S. Patent No. 6,802,042 (hereinafter “Rangan”)** is cited as factual evidence in support of the examiner’s assertion of Official Notice. Rangan discloses implementing a web portal that allows users to shop, invest, and arrange travel (see paragraph bridging columns 2-3). It is noted that Rangan supports the Examiner’s motivation to combine multiple industries into a single web portal. Rangan states in column 3, lines 1-4, “Having all of his or her services available at one portal provides a convenience to a user in not having to remember a plurality of passwords, or to be required to physically log-on to each site.” Additionally, Rangan notes in the first paragraph of column 3, that obtaining all the services at a single portal allows a user to greatly speed any decision making process related to his or her on-line activity.

4. Claims 10 and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dworkin in view of Official Notice as applied to claim 1 above, and further in view of U.S. Patent No. 6,085,176 (hereinafter “Woolston”).

Regarding **claim 10**, Dworkin fails to explicitly disclose an interface for receiving information from and displaying information to a web page.

Woolston teaches the use of a web page user interface (see column 9, lines 10-15).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Dworkin with a web interface as taught by Woolston, because web interfaces are easily navigated and understood by computer users.

Regarding **claims 18-20**, Dworkin fails to disclose transmitting and receiving counter offers.

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Woolston teaches the use of transmitting and receiving counter offers (see column 8, lines 32-67).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Dworkin with the transmission of counter offers as taught by Woolston, because using counter-offers allows both parties to negotiate the final purchase price of the transaction wherein empowering both the buyer and selling to optimize their profits (seller) and costs (buyer).

As set forth above in section 3, the Examiner relies upon Rangan as factual evidence in support of the Examiner's assertion of Official Notice.

5. Claims 12 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dworkin in view of Official Notice as applied to claim 1 above, and further in view of U.S. Patent Application No. US 2002/0113809 (hereinafter "Akazawa").

Regarding **claims 12 and 14**, Dworkin fails to explicitly disclose receiving information relating to the total amount of money available for purchase purpose and comparing the available money to total purchase cost.

Akazawa teaches comparing a budget amount with purchase cost (see Figure 5, "Question 2").

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Dworkin with the monetary budget taught by Akazawa, because setting available spending guidelines allows the system to better match the customer's needs.

As set forth above in section 3, the Examiner relies upon Rangan as factual evidence in support of the Examiner's assertion of Official Notice.

*Response to Arguments*

6. Applicant's arguments filed January 27, 2005 have been fully considered but they are not persuasive.

Applicant's amendment related to the rejection under 35 U.S.C. § 101 are sufficient. The 35 U.S.C. § 101 rejections are withdrawn.

Applicant's arguments related the Examiner's assertion of Official Notice are noted but are not persuasive. As requested, the Examiner has supplied a reference in support of the assertion of Official Notice. As set forth above in section 3, U.S. Patent No. 6,802,042 (hereinafter "Rangan") is cited as factual evidence in support of the examiner's assertion of Official Notice. Rangan discloses implementing a web portal that allows users to shop, invest, and arrange travel (see paragraph bridging columns 2-3). It is noted that Rangan supports the Examiner's motivation to combine multiple industries into a single web portal. Rangan states in column 3, lines 1-4, "Having all of his or her services available at one portal provides a convenience to a user in not having to remember a plurality of passwords, or to be required to physically log-on to each site." Additionally, Rangan notes in the first paragraph of column 3, that obtaining all the services at a single portal allows a user to greatly speed any decision making process related to his or her on-line activity.

***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

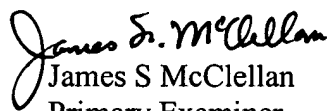
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James S. McClellan whose telephone number is (571) 272-6786. The examiner can normally be reached on M-F (9:30-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
James S McClellan  
Primary Examiner  
Art Unit 3627

jsm  
8/4/05